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ORDER
(Motion for Reconsideration—#41)

Although not mentioned in any of the Federal Rules of Civil Procedure, motions for reconsideration may be brought under both Rules 59(e) and 60(b). “Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening

1 change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.
2 1999).

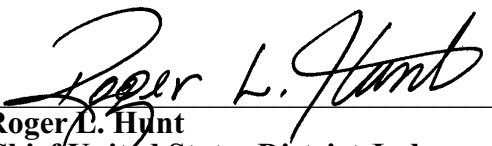
3 Under Rule 60(b), a court may relieve a party from a final judgment, order or
4 proceeding only for: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered
5 evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other
6 reason justifying relief from the judgment. A motion for reconsideration is properly denied when it
7 presents no arguments that were not already raised in its original motion. *See Backlund v. Barnhart*,
8 778 F.2d 1386, 1388 (9th Cir. 1985).

9 Motions for reconsideration are not “the proper vehicles for rehashing old argu-
10 ments,” *Resolution Trust Corp. v. Holmes*, 846 F.Supp. 1310, 1316 (S.D.Tex. 1994) (footnotes
11 omitted), and are not “intended to give an unhappy litigant one additional chance to sway the
12 judge.” *Durkin v. Taylor*, 444 F.Supp. 879, 889 (E.D. Va. 1977).

13 Plaintiff’s motion does not meet any of the required criteria but is merely a rehashing
14 of the arguments made at the hearing and in the briefs regarding the motion to intervene. Accord-
15 ingly,

16 IT IS HEREBY ORDERED that **Plaintiff’s Motion for Reconsideration of**
17 **October 21, 2008 Order Allowing Intervention Under Rule 24(a)(2) (#41)** is DENIED.

18 Dated: December 10, 2008.

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21 **Roger L. Hunt**
22 **Chief United States District Judge**
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